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Re Applic of	Hiroyuki Akatsu et al.
Docket No.	FIS9-2003-0415-US1
Serial No.	10/708,860
Filing Date	03/29/2004
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

## PLEASE DELIVER TO:

EXAMINER: Dao H. Nguyen

ART UNIT: 2818

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Nicole Barrese 11/2/05  
Signature & Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Hiroyuki Akatsu, et al.	Date: November 2, 2005
Serial Number: 10/708,860	Examiner: Dao H. Nguyen
Filed: 03/29/2004	Group Art Unit: 2818
Title: Structure and Method of Making a Bipolar Transistor having Reduced Collector Based Capacitance	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated October 18, 2005.

The Examiner in the aforementioned Office Action has required restriction under  
35 U.S.C. § 121, stating that the claims belong to:

GROUP I, Claims 1-10, drawn to semiconductor devices, and

GROUP II, Claims 11-20, drawn to a method of manufacturing semiconductor  
devices.

Applicants traverse the aforementioned Restriction Requirement for the following reason:

Applicants submit that the claims as filed are related as a process of fabricating a product. The Restriction Requirement justifies the restriction by vaguely stating that "the process as claimed can be used to make other and materially different products", but fails to list any such "other and materially different products". Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-10 drawn to the device, and withdraw from consideration the claims forming GROUP II, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,  
HIROYUKI AKATSU, ET AL.

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